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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 BRAULIO ULISES REYES,

12 Plaintiff,

13 v.

14 GISELLE MATTESON, *et al.*,

15 Defendants.
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Case No. 2:20-cv-00815-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

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19 On November 10, 2020, I screened plaintiff's first amended complaint, notified plaintiff
20 that it failed to state a claim, and allowed plaintiff sixty days to file a second amended complaint.
21 ECF No. 17. I subsequently granted plaintiff two sixty-day extensions, the most recent of which
22 ran through April 19, 2021, to file a second amended complaint. ECF Nos. 19, 21. Despite those
23 extensions, he did not timely file a second amended complaint. Accordingly, on May 5, 2021, I
24 ordered him to show cause within twenty-one days why this action should not be dismissed for
25 failure to prosecute and failure to state a claim. ECF No. 22. I also notified him that if he wished
26 to continue with this lawsuit, he would need to file a second amended complaint. I warned him
27 that failure to comply with the May 5 order would result in a recommendation that this action be
28 dismissed.

1 The deadline has passed, and plaintiff has not filed a second amended complaint or
2 otherwise responded to the May 5, 2021 order. Accordingly, it is hereby ORDERED that the
3 Clerk of Court shall randomly assign a United States District Judge to this case.

4 Further, it is RECOMMENDED that:

5 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
6 and failure to state a claim for the reasons set forth in the November 10, 2020 order. *See* ECF No.
7 17.

8 2. The Clerk of Court be directed to close the case.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
14 objections shall be served and filed within fourteen days after service of the objections. The
15 parties are advised that failure to file objections within the specified time may waive the right to
16 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
17 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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19 IT IS SO ORDERED.

20 Dated: June 28, 2021

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22 JEREMY D. PETERSON
23 UNITED STATES MAGISTRATE JUDGE
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